

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6534

BILL NUMBER: HB 1069

NOTE PREPARED: Dec 12, 2002

BILL AMENDED:

SUBJECT: Sexual Misconduct with a Minor.

FIRST AUTHOR: Rep. Pelath

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill adds references to the crime of sexual misconduct with a minor to various statutes concerning sex crimes. It amends references to the crime of sexual misconduct with a minor in various statutes concerning sex crimes to include the crime regardless of the level of felony committed.

Effective Date: July 1, 2003.

Explanation of State Expenditures: Sexual misconduct with a minor, a Class C felony, is defined as a person at least 18 years old who, with a child at least 14 but less than 16 years of age, performs or submits to sexual intercourse or deviate sexual conduct. Sexual misconduct with a minor is a Class D felony when the person performs or submits to any fondling or touching. Both crimes have enhanced penalties based on the age of the offenders and the circumstances of the crime. (The Class C felony increases to a Class B and Class A felony, respectively, and the Class D felony increases to a Class C and Class B felony, respectively.)

Various statutes place requirements or prohibitions on offenders who commit one of the listed crimes. Under the bill, sexual misconduct with a minor would be added to the list or the list would be amended so that all classes of the crime are listed. The statutes involve the following subjects: (1) employment with a state agency with or around children and in state institutions; (2) the definition of a sex and violent offender for purposes of law; (3) the ability for employers to cancel employment contracts and dismiss employees, and notifications to employers of offenders; (4) court determination of the need for consent to adoption; (5) Child Abuse Prevention Fees and Sexual Assault Victims Assistance Fees; (6) seizure of offender property and firearms possession restrictions; and (7) minimum sentencing requirements, consecutive sentencing provisions, and incarceration without parole.

To the extent that offenders may be sentenced to longer terms of incarceration in a state correctional facility, state expenditures would increase. The average expenditure to house an adult offender was \$25,087 in FY 2001. Individual facility expenditures ranged from \$18,520 to \$54,465. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The average length of stay in DOC facilities for all Class A felony offenders is approximately 9.1 years, for all Class B felony offenders is 3.5 years, for all Class C felony offender is about 2 years, and for all Class D felony offenders is 10 months.

Explanation of State Revenues: Under the bill, fees to dedicated state funds would increase as all sexual misconduct with a minor offenders would be assessed the Child Abuse Prevention Fee of \$100 and the Sexual Assault Victims Assistance Fee of between \$250 and \$1,000. Fifty percent of the Child Abuse Prevention Fee goes into the State User Fee Fund, and 100% of the Sexual Assault Victims Assistance Fee goes into the Sexual Assault Victims Assistance Fund.

Explanation of Local Expenditures:

Explanation of Local Revenues: Fifty percent of the Child Abuse Prevention Fees go to the county auditor for the County Child Advocacy Fund established under IC 12-17-17.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs Association, Department of Correction.

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